



UNITED STATES PATENT and TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
WWW.USPTO.GOV

AVAILABLE COPY

Paper No. 10
jaw

Summa & Allan
11610 North Community House Road
Suite 200
Ballantyne Corporate Park
Charlotte, NC 28277

In re Application of :
Collins :
Application No. 10/004,575 : DECISION ON PETITION
Filing Date: December 4, 2001 :
For: METHOD AND APPARATUS FOR RAPID FAT :
CONTENT DETERMINATION :

This is a decision on the petition under 37 CFR § 1.48(a) filed December 26, 2002.

On December 26, 2002, the present petition and the \$130.00 petition fee were filed. Petitioner requests amendment of the inventorship to add Edward E. King. In support of the petition, a statement from inventor Edward E. King that the error in inventorship occurred without deceptive intention on his part, has been included. Also submitted was a statement of Consent of the Assignee to correct the inventorship. Petitioner requests that Edward E. King be added as an inventor of the above-identified patent application, and that the actual inventorship be given as Michael J. Collins and Edward E. King.

37 CFR 1.48 Correction of inventorship states, in part:

(a) If the inventive entity is set forth in error in an executed 1.63 oath or declaration in an application, other than a reissue application, and such error arose without any deceptive intention on the part of the person named as an inventor in error or on the part of the person who through error was not named as an inventor, the application may be amended to name onth the actual inventor or inventors. . . . Such amendment must be accompanied by:

(1) A petition including a statement from each person being added as an inventor and from each person being deleted as an inventor that the error in inventorship occurred without deceptive intention on his or her part;

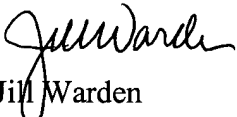
(2) An oath or declaration by each actual inventor or inventors as required by § 1.63 or as permitted by 1.42, 1.43 or 1.47;

(3) The fee set forth in § 1.17(i); and

(4) If an assignment has been executed by any of the original named inventors, the written consent of the assignee (see 3.73(b)).

A review of the record reveals that petitioner has complied with all the conditions in 37 CFR § 1.48(a). The petition is granted. A corrected filing receipt has been issued naming the actual inventors of the above-identified patent, namely, Michael J. Collins and Edward E. King.

PETITION GRANTED



Jill Warden
Supervisory Patent Examiner
Art Unit 1743



BEST AVAILABLE COPY

 Commissioner for Patents
 Washington, DC 20231
 www.uspto.gov

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLAIMS	IND CLAIM
10/004,575	12/04/2001	1743	568	1700.89A	7	42	3

CONFIRMATION NO. 6

CORRECTED FILING RECEIPT



OC000000009635339

 33197
 STOUT, UX, BUYAN & MULLINS LLP
 4 VENTURE, SUITE 300
 IRVINE, CA 92618

Date Mailed: 03/12/2

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)
 Michael J. Collins, Charlotte, NC;
 Edward E. King, Charlotte, NC;
Domestic Priority data as claimed by applicant

This application is a DIV of 09/603,487 06/23/2000

Foreign Applications

If Required, Foreign Filing License Granted: 03/15/2002

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ******Title**

Method and apparatus for rapid fat content determination

Preliminary Class

436

 LICENSE FOR FOREIGN FILING UNDER
 Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

BEST AVAILABLE COPY**GRANTED**

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICEN GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5 (b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of our agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implementation of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICEN GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign the application pursuant to 37 CFR 5.15(b).